IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF NORTH CAROLINA WESTERN DIVISION No. 5:11-CV-414

JOHN R. DEMOS,)	
	Plaintiff,)))	
	v.)	ORDER
KRISPY-KREME,)))	
	Defendant.)	

Plaintiff John R. Demos, a federal prisoner, has filed this case *pro se* under 42 U.S.C. § 1983 and moves for leave to proceed *in forma pauperis*, without prepayment of court fees or costs as allowed under 28 U.S.C. § 1915.

Pursuant to the Prison Litigation Reform Act of 1996 ("PLRA"), however,

In no event shall a prisoner bring a civil action or appeal a judgment in a civil action or proceeding under this section if the prisoner has, on 3 or more prior occasions, while incarcerated or detained in any facility, brought an action or appeal in a court of the United States that was dismissed on the grounds that it is frivolous, malicious, or fails to state a claim upon which relief may be granted, unless the prisoner is under imminent danger of serious physical injury.

28 U.S.C. § 1915(g). While incarcerated, Plaintiff has filed scores of complaints in this district and other federal judicial districts. *See Demos v. Keating*, 33 Fed. Appx., 918, 919 (10th Cir. 2002)("Mr. Demos is a most frequent filer, including over 134 civil rights lawsuits throughout the United States."). More than three of these previous cases filed by Plaintiff were dismissed as frivolous,

malicious, or for failure to state a claim. See id. See also Demos v. Doe, 5:00-CT-31-BO, May 31, 2000, Order (collecting cases).

Because Plaintiff does not contend that he is under imminent danger of serious physical injury, this action is DISMISSED without prejudice pursuant to § 1915(g).

SO ORDERED.

This the 16th day of August, 2011.

James C. Fox

Senior United States District Judge